

REMARKS/ARGUMENTS

Claim 8 has been canceled.

Claims 1 and 6 have been amended. Support for the amendment to claim 1 can be found, for example, in the specification at paragraphs 7 and 8 of US Publication 20060115443. Claim 6 has been amended to more particularly claim the invention.

Claims 10 and 11 have been added. Claim 10 finds support in original claim 6. Claim 11 finds support throughout the specification and original claim 8.

No new subject matter has been added.

Claims 1 through 7 and 9 through 11 are currently pending.

Claim Rejection Under 35 USC §101

Claim 8 is rejected under 35 USC 101, because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

Claim 8 has been canceled, thereby obviating the basis for this rejection.

Claim Rejections Under 35 USC §112, Second Paragraph

Claim 8 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 has been canceled, thereby obviating the basis for this portion of the rejection.

Claims 1-9 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action notes that the term “Rich” (as in Fucose ‘Rich’ Oligo Polysaccharides – FROPs) is a relative term that renders the claim indefinite.

Claim 1 has been amended to include the language which are polysaccharide made of polymers of a trisaccharide comprising galactose, acetyl-galacturonic acid and fucose which

helps to clearly define what is meant by the term. Support for the amendment can be found, for example, in the specification at paragraphs 7 and 8 of US Publication 20060115443.

Reconsideration and withdrawal of this portion of the rejection is respectfully requested.

Claim 6 is rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action noted that the term “especially” did not make clear whether or not the composition was limited to a cream or if could have other forms.

The term “especially” has been deleted as well as reference to cream. A portion of original claim 6 forms the basis for new claim 10.

Reconsideration and withdrawal of this portion of the rejection is respectfully requested.

Claim Rejections Under 35 USC §103

Claims 1-7, 9 are rejected under 35 USC 103(a) as being unpatentable over Pineau et al. (U.S. Patent No. 6,296,856)(hereinafter “Pineau”). Applicants respectfully traverse for at least the following reasons.

The present invention pertains to an antiaging cosmetic composition for the skin, that includes at least one rhamnose compound RROPs which are polysaccharides composed of 50% rhamnose, one fucose compound FROPs, which are polysaccharide made of polymers of a trisaccharide comprising galactose, acetyl-galacturonic acid and fucose, and a cosmetically acceptable excipient.

Pineau discloses an anti-aging composition comprising a heterogeneous polyholoside to promote desquamation and/or to stimulate epidermal renewal.

Pineau fails to disclose the combination of at least one rhamnose compound RROPs which are polysaccharides composed of 50% rhamnose, one fucose compound FROPs, which are polysaccharide made of polymers of a trisaccharide comprising galactose, acetyl-galacturonic acid and fucose, let alone in a cosmetically acceptable excipient.

Moreover, the Applicant's have surprisingly found that there is a synergistic effect in this combination as is evidenced in the examples and data at in particular paragraphs 27 and 47 of US Publication 20060115443. Such combinations are not taught or suggested by Pineau and more importantly, Pineau fails to identify that these combinations would interact synergistically; the sum being more than the individual parts. This is a surprising and unappreciated result and one certainly not contemplated by Pineau.

Consequently, one having ordinary skill in the art would not have predicted that such a combination would have an advantageous and beneficial effect over individual components as disclosed by Pineau.

Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Conclusion

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

This response is being submitted on or before January 14, 2009 making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

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By:

Colin L. Fairman
Colin L. Fairman, Reg. No. 51,663
(612) 492-6864